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EXAMINER

FRENEL, VANEL

ART UNIT PAPER NUMBER

3626

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/645,794

Applicant(s)

WALLACH ET AL.

Examiner

Vanel Frenel

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/13/04 has been entered.

Notice to Applicant

2. This communication is in response to the RCE filed 10/13/04. Claims 13, 23, 33, 43, 52, 54-55, 65, 68 and 76 have been amended. Claims 1-78 are pending. No new claims have been added.

3. Due to Applicant's amendment the rejection under 35 U.S.C. 101 is hereby withdrawn.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (6,347,302) in view of Ford plans to test no-hassle car lease by Phil West The Associated Press; September 26, 1995).

(A) As per claim 1, Joao discloses a method for billing a flat, recurring charge to a buyer for financing and insurance after a sale of an item, comprising: receiving a first indication of a sale or lease of an item to a buyer (Col.10, lines 58-67 to Col.11, line 60), receiving a second indication of an insurance premium and a financial balance owed by the buyer corresponding to the sale or lease (Col.10, lines 58-67 to Col.11, line 60), receiving a third indication of a predetermined time in which the financial balance is to be paid (Co11, lines 6-65).

Joao does not explicitly disclose calculating on a computer a periodic recurring amount based on the insurance premium, the financial balance and the predetermined time; and receiving, from the buyer, a single payment corresponding to the periodic recurring amount within the predetermined time.

However, these features are known in the art, as evidenced by Phil. In particular, Phil suggests a computer a periodic recurring amount based on the insurance premium, the financial balance and the predetermined time (Page 1, Paragraphs 4-11); and receiving, from the buyer, a ingle payment corresponding to the periodic recurring amount within the predetermined time (Page 1, Paragraphs 4-11).

It would have been obvious to one of ordinary skill in the art at the time of the

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invention to have included the features of Phil within the system of Joao with the motivation of providing a turnkey lease program that combines lease payments, insurance costs even oil changes and perhaps gasoline into one monthly payment (See Phil, Page 1, Paragraph 4).

(B) As per claim 2, Joao discloses the method wherein the predetermined time is based on a length of a loan for the financial balance owed by the buyer (Col.3, lines 56-67 to Col.4, line 39).

(C) As per claim 3, Joao discloses the method of wherein the predetermined time is based on a length of a lease for the item (Col.1, lines 6-67 to Col.2, line 5).

(D) As per claim 4, Phil discloses the method wherein the predetermined time is greater than one year (See Phil, Page 2, Paragraphs 1-4).

The combination for combining the respective teachings of Joao and Phil are as discussed above in the rejection of claim 1, and incorporated herein.

(E) As per claim 5, Joao discloses the method wherein the item is an automobile (Col.1, lines 42-49).

(F) As per claim 6, Joao discloses the method wherein the periodic, recurring amount is charged monthly (Col.2, lines 58-67).

(G) As per claim 7, Joao discloses the method further comprising: receiving a fourth indication of an interest rate to be applied to at least one of the financial balance and the insurance premium (Col.10, lines 58-67 to Col.11, line 60), wherein said calculating further calculating the periodic recurring amount further based on the interest rate (Col.13, lines 44-67 to Col.14, line 48).

(H) As per claim 8, Joao discloses a method for billing a flat, recurring amount to a buyer covering financing and insurance after a sale of an item, comprising. receiving a first indication of a sale or lease of an item to a buyer, a financial balance owed for the item and a predetermined time in which the financial balance is to be paid (Col.10, lines 58-67 to Col.11, line 60), receiving a second indication of an insurance premium owed for an insurance policy covering the item for at least a portion of the predetermined time (Col.10, lines 58-67 to Col.11, line 60), paying the insurance premium on behalf of the buyer (Col.14, lines 38-67).

Joao does not explicitly disclose calculating on a computer a periodic recurring amount for at least a portion of the predetermined time, the periodic recurring amount including a first amount corresponding to the financial balance and a second amount corresponding to the insurance premium, and receiving, from the buyer, a payment corresponding to the periodic recurring amount within the predetermined time.

However, these features are known in the art, as evidenced by Phil. In particular, Phil suggests calculating on a computer a periodic recurring amount for

at least a portion of the predetermined time, the periodic recurring amount including a first amount corresponding to the financial balance and a second amount corresponding to the insurance premium, and receiving, from the buyer, a payment corresponding to the periodic recurring amount within the predetermined time (Page 1, Paragraphs 4-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Phil within the system of Joao with the motivation of providing a turnkey lease program that combines lease payments, insurance costs even oil changes and perhaps gasoline into one monthly payment (See Phil, Page 1, Paragraph 4).

(I) As per claim 9, Joao discloses a method for promoting the sale of an item, comprising: providing a first indication of an item for sale or lease (Col.10, lines 58-67 to Col.11, line 60), providing a second indication of a predetermined time to pay a financial balance corresponding to the item (Col.10, lines 58-67 to Col.11, line 60), and providing a third indication of an offer to charge a periodic recurring amount calculated on a computer system corresponding to a first payment of an insurance premium and a second payment (Col.8, lines 12-67).

Joao does not explicitly disclose a financing amount corresponding to the item, the insurance premium corresponding to an insurance policy covering the item, the periodic payment to recur for at least a portion of the predetermined time.

However, these features are known in the art, as evidenced by Phil. In particular, Phil suggests a financing amount corresponding to the item, the insurance premium

corresponding to an insurance policy covering the item, the periodic payment to recur for at least a portion of the predetermined time (Page 1, Paragraphs 4-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Phil within the system of Joao with the motivation of providing a turnkey lease program that combines lease payments, insurance costs even oil changes and perhaps gasoline into one monthly payment (See Phil, Page 1, Paragraph 4).

(J) As per claim 10, Joao discloses a method for receiving an insurance premium for an insurance policy covering an item, comprising: receiving a first indication of an item to be covered under an insurance policy (Col.10, lines 58-67 to Col.11, line 60), receiving a second indication of a buyer of the item (Col.10, lines 58-67 to Col.11, line 60), receiving a third indication of a predetermined time in which the buyer must pay a financial balance corresponding to the item, the financial balance corresponding to a loan amount or a lease amount (Col.8, lines 12-67).

Joao does not disclose calculating on a computer system an insurance premium for the entire predetermined time based on the item and the buyer, and receiving, from a party other than the buyer, a payment of the insurance.

However, these features are known in the art, as evidenced by Phil. In particular, Phil suggests calculating on a computer system an insurance premium for the entire predetermined time based on the item and the buyer, and receiving, from a party other than the buyer, a payment of the insurance (Page 1, Paragraphs 4-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Phil within the system of Joao with the motivation of providing a turnkey lease program that combines lease payments, insurance costs even oil changes and perhaps gasoline into one monthly payment (See Phil, Page 1, Paragraph 4).

(K) As per claim 11, Joao discloses buying or leasing an item from a retailer, the item having a corresponding finance amount and an insurance premium amount (Col.6, lines 34-67; Col.10, lines 10-65).

Joao does not explicitly disclose a method for simultaneously paying a financial loan and insurance corresponding to an item; the finance amount corresponding to a loan payment as part of a loan obtained for buying the item or a lease payment as part of a lease for the item and payable over a predetermined time, the insurance premium amount corresponding to an insurance policy having a term equal to the predetermined time; and submitting a payment corresponding to a recurring amount which is calculating on a computer for at least a portion of the finance amount and a portion of the insurance premium amount within the predetermined time.

However, these features are known in the art, as evidenced by Phil. In particular, Phil suggests a method for simultaneously paying a financial loan and insurance corresponding to an item (Page 1, Paragraphs 4-11), the finance amount corresponding to a loan payment as part of a loan obtained for buying the item or a lease payment as part of a lease for the item and payable over a predetermined

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time, the insurance premium amount corresponding to an insurance policy having a term equal to the predetermined time (Page 1, Paragraphs 4-11), and submitting a payment corresponding to the recurring amount which is calculating on a computer for at least a portion of the finance amount and a portion of the insurance premium amount within the predetermined time (Page 1, Paragraphs 4-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Phil within the system of Joao with the motivation of providing a turnkey lease program that combines lease payments, insurance costs even oil changes and perhaps gasoline into one monthly payment (See Phil, Page 1, Paragraph 4).

(L) As per claim 12, Joao discloses the method wherein said sale comprises a lease of the item (Col.1, lines 647 to Col.2, line 5).

(M) As per claim 13, Joao discloses an apparatus for billing a flat, recurring charge to a buyer for financing and insurance after a sale of an item, comprising: means for receiving a first indication of a sale or lease of an item to a buyer (Col.5, lines 59-67 to Col.6, lines 67', Col.10, lines 10-65), means for receiving a second indication of an insurance premium and a financial balance owed by the buyer corresponding to the sale or lease (Col.9, lines 15-67 to Col.10, line 67), means for receiving a third indication of a predetermined time in which the financial balance is to be paid (Col.8, lines 12-67).

Joao does not explicitly disclose means for calculating a periodic recurring amount based on the insurance premium, the financial balance and the predetermined time; and means for receiving, from the buyer, a single payment corresponding to the periodic recurring amount within the predetermined time.

However, these features are known in the art, as evidenced by Phil. In particular, Phil suggests means for calculating a periodic recurring amount based on the insurance premium, the financial balance and the predetermined time (See Phil, Page 1, Paragraphs 4-11); and means for receiving, from the buyer, a single payment corresponding to the periodic recurring amount within the predetermined time (See Phil, Page 1, Paragraphs 4-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Phil within the system of Joao with the motivation of providing a turnkey lease program that combines lease payments, insurance costs even oil changes and perhaps gasoline into one monthly payment (See Phil, Page 1, Paragraph 4).

(N) As per claim 14, Joao discloses an apparatus for billing a flat, recurring charge to a buyer for financing and insurance after a sale of an item (Col.6, lines 34-67, Col.10, lines 10-65), comprising: a processor (Col.11, lines 22-31), and a memory in communication with the processor, the memory for storing a plurality of processing instructions enabling the processor to: receive a first indication of a sale or lease of an

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item to a buyer (Col.15, lines 49-67 to Col.16, line 65), receive a second indication of an insurance premium and a financial balance owed by the buyer corresponding to the sale or lease (Col. 15, lines 49-67 to Col.16, line 65), receive a third indication of a predetermined time in which the financial balance is to be paid (Col.15, lines 49-67 to Col.16, line 65).

Joao does not explicitly disclose calculate a periodic recurring amount based on the insurance premium, the financial balance and the predetermined time; and receive, from the buyer, a single payment corresponding to the periodic recurring amount within the predetermined time.

However, these features are known in the art, as evidenced by Phil. In particular, Phil suggests calculate a periodic recurring amount based on the insurance premium, the financial balance and the predetermined time (See Phil, Page 1, Paragraphs 4-11); and receive, from the buyer, a single payment corresponding to the periodic recurring amount within the predetermined time (See Phil, Page 1, Paragraphs 4-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Phil within the system of Joao with the motivation of providing a turnkey lease program that combines lease payments, insurance costs even oil changes and perhaps gasoline into one monthly payment (See Phil, Page 1, Paragraph 4).

(O) Claim 15 differs from claims 1, 8-11, 13 and 14 by reciting a computer-readable

medium encoded with processing instructions for implementing a method, performed by a computer, for billing a flat, recurring charge to a buyer for financing and insurance after a sale of an item.

As per this limitation, it is noted that Joao discloses comprising: receiving a first indication of a sale or lease of an item to a buyer (Col.5, lines 59-67 to Col.6, lines 67, Col.10, lines 10-65), receiving a second indication of an insurance premium and a financial balance owed by the buyer corresponding to the sale or lease (Col.5, lines 59-67 to Col.6, lines 67., Col.10, lines 10-65), receiving a third indication of a predetermined time in which the financial balance is to be paid (Col.5, lines 59-67 to Col.6, lines 67; Col.10, lines 10-65) and Phil discloses calculating a periodic recurring amount based on the insurance premium, the financial balance and the predetermined time; and receiving, from the buyer, a single payment corresponding to the periodic recurring amount within the predetermined time (See Phil, Page 1, Paragraphs 4-11).

Thus, it is readily apparent these prior art systems utilize a computer-readable medium encoded with processing instructions for implementing a method, performed by a computer, for billing a flat, recurring charge to a buyer for financing and insurance after a sale of an item to perform their specified function.

The remainder of claim 15 is rejected for the same reason given above for claims 1, 8-11, 13 and 14, and incorporated herein.

(P) As per claim 23, Joao discloses an apparatus for billing a flat, recurring amount to a buyer covering financing and insurance after a sale of an item, comprising means

for receiving a first indication of a sale or lease of an item to a buyer, a financial balance owed for the item and a predetermined time in which the financial balance is to be paid (Col.5, lines 59-67 to Col.6, lines 67; Col.10, lines 10-65), means for receiving a second indication of an insurance premium owed for an insurance policy covering the item for at least a portion of the predetermined time (Col.5, lines 59-37 to Col.6, lines 67; Col.10, lines 10-65), means for paying the insurance premium on behalf of the buyer (Col.5, lines 59-67 to Col.6, line 67; Col.10, line 10).

Joao does not explicitly disclose means for calculating a periodic recurring amount for at least a portion of the predetermined time, the periodic recurring amount including a first amount corresponding to the financial balance and a second amount corresponding to the insurance premium, and means for receiving, from the buyer, a payment corresponding to the periodic recurring amount within the predetermined time.

However, these features are known in the art, as evidenced by Phil. In particular, Phil suggests means for calculating a periodic recurring amount for at least a portion of the predetermined time, the periodic recurring amount including a first amount corresponding to the financial balance and a second amount corresponding to the insurance premium', and means for receiving, from the buyer, a payment corresponding to the periodic recurring amount within the predetermined time (See Phil, Page 1, Paragraphs 4-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Phil within the system of Joao with the

motivation of providing a turnkey lease program that combines lease payments, insurance costs even oil changes and perhaps gasoline into one monthly payment (See Phil, Page 1, Paragraph 4).

(Q) As per claim 24, Joao discloses an apparatus for billing a flat, recurring amount to a buyer covering financing and insurance after a sale of an item (Col.6, lines 34-67., Col.10, lines 10-65) comprising: a processor (Col.11, lines 22-31), and a memory in communication with the processor, the memory for storing a plurality of processing instructions enabling the processor to: receive a first indication of a sale or lease of an item to a buyer, a financial balance owed for the item and a predetermined time in which the financial balance is to be paid (Col.15, lines 49-67 to Col.16, line 65)*, receive a second indication of an insurance premium owed for an insurance policy covering the item for at least a portion of the predetermined time (Col.15, lines 49-67 to Col.16, line 65)., enable payment of the insurance premium on behalf of the buyer (Col.15, lines 49-67 to Col.16, line 65).

Joao does not explicitly disclose calculate a periodic recurring amount for at least a portion of the predetermined time, the periodic recurring amount including a first amount corresponding to the financial balance and a second amount corresponding to the insurance premium, and receive, from the buyer, a payment corresponding to the periodic recurring amount within the predetermined time.

However, these features are known in the art, as evidenced by Phil. In particular, Phil suggests calculate a periodic recurring amount for at least a portion of

the predetermined time, the periodic recurring amount including a first amount corresponding to the financial balance and a second amount corresponding to the insurance premium', and receive, from the buyer, a payment corresponding to the periodic recurring amount within the predetermined time (See Phil, Page 1, Paragraphs 4-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Phil within the system of Joao with the motivation of providing a turnkey lease program that combines lease payments, insurance costs even oil changes and perhaps gasoline into one monthly payment (See Phil, Page 1, Paragraph 4).

(R) Claim 25 differs from claims 1, 8-11, 13 -15, and 23-24 by reciting a computer-readable medium encoded with processing instructions for implementing a method, performed by a computer, for billing a flat, recurring amount to a buyer covering financing and insurance after a sale of an item.

As per this limitation, it is noted that Joao discloses the method comprising'. receiving a first indication of a sale or lease of an item to a buyer, a financial balance owed for the item and a predetermined time in which the financial balance is to be paid (Col.5, lines 59-67 to Col.6, lines 67; Col.10, lines 10-65), receiving a second indication of an insurance premium owed for an insurance policy covering the item for at least a portion of the predetermined time (Col.5, lines 59-67 to Col.6, lines 67; Col.10, lines 10-65), paying the insurance premium on behalf of the buyer (Col.5, lines 59-67 to Col.6,

lines 67, Col.10, lines 10-65) and Phil discloses calculating a periodic recurring amount for at least a portion of the predetermined time, the periodic recurring amount including a first amount corresponding to the financial balance and a second amount corresponding to the insurance premium, and receiving, from the buyer, a payment corresponding to the periodic recurring amount within the predetermined time (See Phil, Page 1, Paragraphs 4-11).

Thus, it is readily apparent these prior art systems utilize a computer-readable medium encoded with processing instructions for implementing a method, performed by a computer, for billing a flat, recurring amount to a buyer covering financing and insurance after a sale of an item to perform their specified function.

The remainder of claim 25 is rejected for the same reason given above for claims 1, 8-11, 13-15 and 23-24, and incorporated herein.

(S) Claim 33 differs from claims 1, 8-11, 13-15 and 23-25 by reciting an apparatus for promoting the sale of an item.

As per this limitation, it is noted that Joao discloses comprising: means for providing a first indication of an item for sale or lease (Col.5, lines 59-67 to Col.6, lines 67, Col.10, lines 10-65); means for providing a second indication of a predetermined time to pay a financial balance corresponding to the item Col.5, lines 59-67 to Col.6, lines 67, Col.10, lines 10-65), and means for providing a third indication of an offer to charge a periodic recurring amount corresponding to a first payment of an insurance premium and a second payment of a financing amount corresponding to the item Col.5,

lines 59-67 to Col.6, lines 67; Col.10, lines 10-65) and Phil discloses the insurance premium corresponding to an insurance policy covering the item, the periodic payment to recur for at least a portion of the predetermined time (See Phil, Page 1, Paragraphs 4-11).

Thus, it is readily apparent these prior art systems utilize an apparatus for promoting the sale of an item to perform their specified function.

The remainder of claim 33 is rejected for the same reason given above for claims 1, 8-11, 13-15 and 23-25, and incorporated herein.

(T) As per claim 34, Joao discloses an apparatus for promoting the sale of an item (Col.6, lines 34-67; Col.10, lines 10-65), comprising'. a processor (Col. 11, lines 22-31), and a memory in communication with the processor, the memory for storing a plurality of processing instructions enabling the processor to: provide a first indication of an item for sale or lease (Col.15, lines 49-67 to Col.16, line 65), provide a second indication of a predetermined time to pay a financial balance corresponding to the item (Col.15, lines 49-67 to Col.16, line 65), and provide a third indication of an offer to charge a periodic recurring amount corresponding to a first payment of an insurance premium and a second payment of a financing amount corresponding to the item (Col.15, lines 49-67 to Col.16, line 65).

Joao does not explicitly disclose the insurance premium corresponding to an insurance policy covering the item, the periodic payment to recur for at least a portion of the predetermined time.

However, this feature is known in the art, as evidenced by Phil. In particular, Phil suggests the insurance premium corresponding to an insurance policy covering the item, the periodic payment to recur for at least a portion of the predetermined time (See Phil, Page 1, Paragraphs 4-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Phil within the system of Joao with the motivation of providing a turnkey lease program that combines lease payments, insurance costs even oil changes and perhaps gasoline into one monthly payment (See Phil, Page 1, Paragraph 4).

(U) Claim 35 differs from claims 1, 8-11, 13-15, 23-25 and 33-34 by reciting a computer-readable medium encoded with processing instructions for implementing a method, performed by a computer, for promoting the sale of an item.

As per this limitation, it is noted that Joao discloses the method comprising'. providing a first indication of an item for sale or lease (Col.5, lines 59-67 to Col.6, line 67), providing a second indication of a predetermined time to pay a financial balance corresponding to the item (Col.5, lines 59-67 to Col.6, lines 67, Col.10, lines 10-65), and providing a third indication of an offer to charge a periodic recurring amount corresponding to a first payment of an insurance premium and a second payment of a financing amount corresponding to the item (Col.5, lines 59-67 to Col.6, lines 67; Col.10, lines 10-65) and Phil discloses the insurance premium corresponding to an insurance policy covering the item, the periodic payment to recur for at least a portion of

the predetermined time (See Phil, Page 1, Paragraphs 4-11 to Page 2; Paragraphs 1-10).

Thus, it is readily apparent these prior ad systems utilize a computer-readable medium encoded with processing instructions for implementing a method, performed by a computer, for promoting the sale of an item to perform their specified function.

The remainder of claim 35 is rejected for the same reason given above for claims 1, 8-11, 13-15, 23-25 and 33-34, and incorporated herein.

(V) As per claim 43, Joao discloses a method for billing a flat, recurring charge to a buyer for financing and insurance after a sale of an item, comprising: receiving a first indication of one of a sale and lease of an item to a buyer (Col.5, lines 59-67 to Col.6, lines 67, Col.10, lines 10-65), receiving a second indication of an insurance premium and a financial balance owed by the buyer corresponding to the sale or lease (Col.5, lines 59-67 to Col.6, lines 67; Col.10, lines 10-65), receiving a third indication of a predetermined time in which the financial balance is to be paid (Col.5, lines 59-67 to Col.6, lines 67; Col. 10, lines 10-65).

Joao does not explicitly disclose calculating a periodic recurring amount based on the insurance premium, the financial balance and the predetermined time.

However, this feature is known in the art, as evidenced by Phil. In particular, Phil suggests calculating a periodic recurring amount based on the insurance premium, the financial balance and the predetermined time (See Phil, Page 1, Paragraphs 4-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Phil within the system of Joao with the motivation of providing a turnkey lease program that combines lease payments, insurance costs even oil changes and perhaps gasoline into one monthly payment (See Phil, Page 1, Paragraph 4).

(W) As per claim 52, Joao discloses an apparatus for billing a flat, recurring charge to a buyer for financing and insurance after a sale of an item, comprising: means for receiving a first indication of one of: a sale and lease of an item to a buyer (Col.5, lines 59-67 to Col.6, line 67; Col.10, lines 10-65), means for receiving a second indication of an insurance premium and a financial balance owed by the buyer corresponding to the sale or lease (Col.5, lines 59-67 to Col.6, lines 67; Col.10, lines 10-65), means for receiving a third indication of a predetermined time in which the financial balance is to be paid (Col.5, lines 59-67 to Col.6, line 67; Col.10, lines 10-65).

Joao does not explicitly disclose means for calculating a periodic recurring amount based on the insurance premium, the financial balance and the predetermined time.

However, this feature is known in the art, as evidenced by Phil. In particular, Phil suggests means for calculating a periodic recurring amount based on the insurance premium, the financial balance and the predetermined time (See Phil, Page 1, Paragraphs 4-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Phil within the system of Joao with the motivation of providing a turnkey lease program that combines lease payments, insurance costs even oil changes and perhaps gasoline into one monthly payment (See Phil, Page 1, Paragraph 4).

(X) As per claim 53, Joao discloses an apparatus for billing a flat, recurring charge to a buyer for financing and insurance after a sale of an item, comprising: a processor (Col.1 1, lines 22-31), and a memory in communication with the processor, the memory for storing a plurality of processing instructions enabling the processor to: receive a first indication of one of: a sale and lease of an item to a buyer (Col.15, lines 49-37 to Col.16, line 65), receive a second indication of an insurance premium and a financial balance owed by the buyer corresponding to the sale or lease (Col.15, lines 49-67 to Col.16, line 65), receive a third indication of a predetermined time in which the financial balance is to be paid (Col.15, lines 49-67 to Co1.16, line 65).

Joao does not explicitly disclose calculate a periodic recurring amount based on the insurance premium, the financial balance and the predetermined time.

However, this feature is known in the art, as evidenced by Phil. In particular, Phil suggests calculate a periodic recurring amount based on the insurance premium, the financial balance and the predetermined time (See Phil, Page 1, Paragraphs 4-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Phil within the system of Joao with the

motivation of providing a turnkey lease program that combines lease payments, insurance costs even oil changes and perhaps gasoline into one monthly payment (See Phil, Page 1, Paragraph 4).

(Y) As per claim 54, Joao discloses a computer-readable medium encoded with processing instructions for implementing a method, performed by a computer, for billing a flat, recurring charge to a buyer for financing and insurance after a sale of an item, the method comprising: receiving a first indication of one of a sale and lease of an item to a buyer (Col.5, lines 59-67 to Col.6, line 67; Col.10, lines 10-65), receiving a second indication of an insurance premium and a financial balance owed by the buyer corresponding to the sale or lease (Col.5, lines 59-67 to Col.6, line 67; Col.10, lines 10-65), receiving a third indication of a predetermined time in which the financial balance is to be paid (Col.5, lines 59-67 to Col.6, line 67; Col.10, lines 10-65).

Joao does not explicitly disclose calculating a periodic recurring amount based on the insurance premium, the financial balance and the predetermined time.

However, this feature is known in the art, as evidenced by Phil. In particular, Phil suggests calculating a periodic recurring amount based on the insurance premium, the financial balance and the predetermined time (See Phil, Page 1, Paragraphs 4-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Phil within the system of Joao with the

motivation of providing a turnkey lease program that combines lease payments, insurance costs even oil changes and perhaps gasoline into one monthly payment (See Phil, Page 1, Paragraph 4).

(Z) As per claim 55, Joao discloses a method for billing a flat, recurring amount to a buyer covering financing and insurance after a sale of an item, comprising: receiving a first indication of a sale or lease of an item to a buyer, a financial balance owed for the item and a predetermined time in which the financial balance is to be paid (Col.5, lines 59-67 to Col.6, line 67, Col.10, lines 10-65), receiving a second indication of an insurance premium owed for an insurance policy covering the item for at least a portion of the predetermined time (Col.5, lines 59-67 to Col.6, line 67; Col.10, lines 10-65).

Joao does not explicitly disclose calculating a periodic recurring amount for at least a portion of the predetermined time, the periodic recurring amount including a first amount corresponding to the financial balance and a second amount corresponding to the insurance premium.

However, this feature is known in the art, as evidenced by Phil. In particular, Phil suggests calculating a periodic recurring amount for at least a portion of the predetermined time, the periodic recurring amount including a first amount corresponding to the financial balance and a second amount corresponding to the insurance premium (See Phil, Page 1, Paragraphs 4-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Phil within the system of Joao with the

motivation of providing a turnkey lease program that combines lease payments, insurance costs even oil changes and perhaps gasoline into one monthly payment (See Phil, Page 1, Paragraph 4).

(AA) As per claim 65, Joao discloses an apparatus for billing a flat, recurring amount to a buyer covering financing and insurance after a sale of an item, comprising: means for receiving a first indication of a sale or lease of an item to a buyer, a financial balance owed for the item and a predetermined time in which the financial balance is to be paid (Col.5, lines 59-67 to Col.6, lines 67, Col.10, lines 10-65), means for receiving a second indication of an insurance premium owed for an insurance policy covering the item for at least a portion of the predetermined time (Col.5, lines 59-67 to Col.6, lines 67; Col.10, lines 10-65), and means for calculating a periodic recurring amount for at least a portion of the predetermined time (Col.5, lines 59-67 to Col.6, line 67; Col.10, lines 10-65).

Joao does not explicitly disclose the periodic recurring amount including a first amount corresponding to the financial balance and a second amount corresponding to the insurance premium.

However, this feature is known in the ad, as evidenced by Phil. In particular, Phil suggests the periodic recurring amount including a first amount corresponding to the financial balance and a second amount corresponding to the insurance premium (See Phil, Page 1, Paragraphs 4-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Phil within the system of Joao with the motivation of providing a turnkey lease program that combines lease payments, insurance costs even oil changes and perhaps gasoline into one monthly payment (See Phil, Page 1, Paragraph 4).

(BB) As per claim 66, Joao discloses an apparatus for billing a flat, recurring amount to a buyer covering financing and insurance after a sale of an item, comprising: a processor (Col.1 1, lines 22-31), and a memory in communication with the processor, the memory for storing a plurality of processing instructions enabling the processor to: receive a first indication of a sale or lease of an item to a buyer, a financial balance owed for the item and a predetermined time in which the financial balance is to be paid (Col.15, lines 49-67 to Col.16, line 65), receive a second indication of an insurance premium owed for an insurance policy covering the item for at least a portion of the predetermined time (Col.15, lines 49-67 to Col.16, line 65).

Joao does not explicitly disclose calculate a periodic recurring amount for at least a portion of the predetermined time, the periodic recurring amount including a first amount corresponding to the financial balance and a second amount corresponding to the insurance premium.

However, this feature is known in the art, as evidenced by Phil. In particular, Phil suggests calculate a periodic recurring amount for at least a portion of the predetermined time, the periodic recurring amount including a first amount

corresponding to the financial balance and a second amount corresponding to the insurance premium (See Phil, Page 1, Paragraphs 4-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Phil within the system of Joao with the motivation of providing a turnkey lease program that combines lease payments, insurance costs even oil changes and perhaps gasoline into one monthly payment (See Phil, Page 1, Paragraph 4).

(CC) As per claim 67, Joao discloses a computer-readable medium encoded with processing instructions for implementing a method, performed by a computer, for billing a flat, recurring amount to a buyer covering financing and insurance after a sale of an item, the method comprising: receiving a first indication of a sale or lease of an item to a buyer, a financial balance owed for the item and a predetermined time in which the financial balance is to be paid (Col.15, lines 49-67 to Col.16, line 65), receiving a second indication of an insurance premium owed for an insurance policy covering the item for at least a portion of the predetermined time (Col.15, lines 49-67 to Col.16, line 65); and calculating a periodic recurring amount for at least a portion of the predetermined time Col.15, lines 49-67 to Col. 16, line 65).

Joao does not explicitly disclose the periodic recurring amount including a first amount corresponding to the financial balance and a second amount corresponding to the insurance premium.

However, this feature is known in the art, as evidenced by Phil. In particular,

Phil suggests the periodic recurring amount including a first amount corresponding to the financial balance and a second amount corresponding to the insurance premium (See Phil, Page 1, Paragraphs 4-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Phil within the system of Joao with the motivation of providing a turnkey lease program that combines lease payments, insurance costs even oil changes and perhaps gasoline into one monthly payment (See Phil, Page 1, Paragraph 4).

(DD) Claim 68 differs from claims 1, 8-11, 13-15 and 23-25, 33-35, 43, 52-55, 65-67 by reciting a method for determining an insurance premium for an insurance policy covering an item.

As per this limitation, it is noted that Joao discloses comprising: receiving a first indication of an item to be covered under an insurance policy (Col.15, lines 49-67 to Col.16, line 65), receiving a second indication of a buyer of the item (Col.15, lines 49-67 to Col.16, line 65), receiving a third indication of a predetermined time in which the buyer must pay a financial balance corresponding to the item, the financial balance corresponding to a loan amount or a lease amount (Col.15, lines 49-67 to Col.16, line 65) and Phil discloses calculating an insurance premium for the entire predetermined time based on the item and the buyer (See Phil, Page 1, Paragraphs 4-11).

Thus, it is readily apparent these prior art systems utilize a method for determining an insurance premium for an insurance policy covering an item to perform

their specified function.

Therefore, the remainder of claim 68 is rejected for the same reason given above for claims 1, 8-11, 13-15 and 23-25 and 33-35, 43, 52-55, 65-67, and incorporated herein.

(EE) As per claim 76, Joao discloses an apparatus for determining an insurance premium for an insurance policy covering an item, comprising'. means for receiving a first indication of an item to be covered under an insurance policy (Col.15, lines 49-67 to Col.16, line 65), means for receiving a second indication of a buyer of the item (Col.15, lines 49-67 to Col.16, line 65), means for receiving a third indication of a predetermined time in which the buyer must pay a financial balance corresponding to the item, the financial balance corresponding to a loan amount or a lease amount (Col.15, lines 49-67 to Co1.16, line 65).

Joao does not explicitly disclose means for calculating an insurance premium for the entire predetermined time based on the item and the buyer.

However, this feature is known in the ad, as evidenced by Phil. In particular, Phil suggests means for calculating an insurance premium for the entire predetermined time based on the item and the buyer (See Phil, Page 1, Paragraphs 4-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Phil within the system of Joao with the

motivation of providing a turnkey lease program that combines lease payments, insurance costs even oil changes and perhaps gasoline into one monthly payment (See Phil, Page 1, Paragraph 4).

(FF) As per claim 77, Joao discloses an apparatus for determining an insurance premium for an insurance policy covering an item, comprising'. a processor (Col.1 1, lines 22-31), and a memory in communication with the processor, the memory for storing a plurality of processing instructions enabling the processor to: receive a first indication of an item to be covered under an insurance policy (Col.15, lines 49-67 to Col.16, line 65); receive a second indication of a buyer of the item (Col.15, lines 49-67 to Col.16, line 65), receive a third indication of a predetermined time in which the buyer must pay a financial balance corresponding to the item, the financial balance corresponding to a loan amount or a lease amount (Col.15, lines 49-67 to Col.16, line 65).

Joao does not explicitly disclose calculate an insurance premium for the entire predetermined time based on the item and the buyer.

However, this feature is known in the art, as evidenced by Phil. In particular, Phil suggests calculate an insurance premium for the entire predetermined time based on the item and the buyer (See Phil, Page 1, Paragraphs 4-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Phil within the system of Joao with the

motivation of providing a turnkey lease program that combines lease payments, insurance costs even oil changes and perhaps gasoline into one monthly payment (See Phil, Page 1, Paragraph 4).

(GG) Claim 78 differs from claims 1, 8-11, 13-15 and 23-25, 33-35, 43, 52-55, 65-68 and 76-77 by reciting a computer-readable medium encoded with processing instructions for implementing a method, performed by a computer, for determining an insurance premium for an insurance policy covering an item.

As per this limitation, it is noted that Joao discloses the method comprising: receiving a first indication of an item to be covered under an insurance policy (Col.15, lines 49-67 to Col.16, line 65), receiving a third indication of a predetermined time in which the buyer must pay a financial balance corresponding to the item, the financial balance corresponding to a loan amount or a lease amount (Col.15, lines 49-67 to Col.16, line 65) and Phil discloses calculating an insurance premium for the entire predetermined time based on the item and the buyer (See Phil, Page 1, Paragraphs 4-11).

Thus, it is readily apparent these prior art systems utilize a computer-readable medium encoded with processing instructions for implementing a method, performed by a computer, for determining an insurance premium for an insurance policy covering an item to perform their specified function.

Therefore, the remainder of claim 78 is rejected for the same reason given above for claims 1, 8-11, 13-15 and 23-25, 33-35, 43, 52-55, 65-68 and 76-77, and

incorporated herein.

(HH) Claims 16-21, 26-31, 36-42, 44-51, 56-64 and 69-75 recite the underlying process of the elements of claims 2-7, and respectively. As the various elements of claims 2-7 have been shown to be either disclosed by or obvious in view of the collective teachings of Joao Phil and Ryan, it is readily apparent that the apparatus disclosed by the applied prior art performs the recited underlying functions. As such, the limitations recited in claims 16-21, 26-31, 36-42, 44-51, 56-64 and 69-75 are rejected for the same reasons given above for method claims 2-7, and incorporated herein.

Response to Arguments

6. Applicant's arguments filed on 10/13/04 with respect to claims 13, 23, 33, 43, 52, 54-55, 65, 68 and 76 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches system for assembly and distribution of automobiles utilizing a plurality of partner integrators and plurality of manufactured and service modules (6,449,597).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 703-305-4952. The examiner can normally be reached on Monday-Thursday from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V.F
V.F

January 21, 2005


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